

### **REMARKS/ARGUMENTS**

Claims 1-24 are pending in the present application. Claims 17-24 are indicated as withdrawn in view of a Restriction Requirement. Claims 1, 9-12 and 14-15 are amended.

The amended claims, as discussed below, are supported by the claims and specification, as originally filed. No new matter has been added.

Reconsideration of the pending claims of the present application is requested in view of the interview discussions and following remarks.

#### **Objection to the Claims**

The objection to claims 3 and 7 is traversed. Applicants submit that the wording/antecedent basis for component e) in these claims is proper. In particular, claim 3 depends from the “dispersion as claimed in claim 1,” in which “the monomer mixture M) *additionally* comprises at least one compound e).” (Emphasis added). Claim 7 recites the Markush group for component e).

Applicants also point out that the present specification recites a component d), which is separate from component e). See pages 14-16 of the present specification.

Accordingly, withdrawal of the objection is requested.

#### **Rejections under 35 U.S.C. § 112**

The rejection of claims 1-16 under 35 U.S.C. §112, second paragraph, is traversed and obviated by the above-shown amendments. Therefore, withdrawal of the rejection is requested.

Regarding claim 1, R<sup>4</sup> is defined in accordance with the present specification. *See, e.g.*, claim 4 which describes the component a) as chosen from N-vinylamides of saturated monocarboxylic acids, N-vinyllactams and mixtures thereof.

Regarding claims 9-12 and 14-15, the narrower ranges/“preferred” embodiment language has been removed.

Regarding claim 15, the abbreviation LT has been defined in accordance with the present specification, i.e., light transmittance.

Accordingly, withdrawal of the rejections is requested.

**Rejections under 35 U.S.C. § 102**

The rejection of claim 1 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent 5,134,187 (Aihara) is traversed.

The rejection of claims 1, 2, 4-6, 8 and 14 under 35 U.S.C. § 102(e) as anticipated by U.S. Pre-grant Publication 2005/0175572 (Nguyen-Kim et al.) is traversed.

The rejection of claims 1 and 16 under 35 U.S.C. § 102(e) as anticipated by U.S. Pre-grant Publication 2006/0183822 (Nguyen-Kim et al.) is traversed.

The rejection of claims 1, 4, 5-6 and 8 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent 7,125,926 (Satoh et al.) is traversed.

The above-cited references of record do not describe or suggest the claimed invention. The references are discussed, in turn, below.

**The Rejection over Aihara**

The aqueous polymer dispersion Pd) according to the invention is prepared from a monomer mixture M) that comprises as component b) a crosslinking compound with at least two  $\alpha$ ,  $\beta$ -ethylenically unsaturated double bonds per molecule.

The vinylic monomers, disclosed in col. 1, lines 58-60 of Aihara, cited in the present Office Action, are alkyl ester of (meth) acrylic acid and have only one  $\alpha$ ,  $\beta$ -ethylenically unsaturated double bonds per molecule. This holds for all modified vinylic monomers (A) according to Aihara. As disclosed in col. 3, lines 9-19, those monomers have a fatty acid residue at one terminal end of the molecule and an ethylenically unsaturated double bond. Thus, Aihara does not disclose a polymer that is obtained from a monomer mixture that comprises a crosslinking monomer.

Further, Aihara does not describe or provide guidance on polymerizing the monomers in the presence of a polymeric anionic dispersant D). The acrylic acid compounds cited by the Examiner disclosed in col. 7, lines 50-53 are typical monomeric compounds (=component e) of the invention) and not polymers.

*The Rejections over US 2005/0175572 (Nguyen-Kim et al.) and US 2006/0183822 (Nguyen-Kim et al.)*

The present application, as claimed above, refers to a specific combination of monomers a) to c) polymerized in the presence of a certain dispersant D). However, there is no showing or description of the claimed combination in either of these publications.

*The Rejection over US 7,125,926 (Satoh et al.)*

Satoh et al. discloses a surface treatment agent comprising: (A) a hydrolysable metal alkoxide or hydrolyzate thereof, (B) a fluoro compound containing a perfluoroalkyl group and a functional group reactive with the hydrolysable metal alkoxide (A), and (C) an adhesion improvement agent. With regard to the claimed subject-matter, the Examiner refers to component (C) of Satoh. This component is disclosed in col. 11 line 19 to col. 19, line 4. Satoh teaches that component (C) can be a fluorine-free olefin polymer obtained by reacting (a) a monomer having a carbon-carbon double bond and a metal alkoxide group and (b) an other monomer copolymerizable with (a) (col. 11, lines 31-35).

Suitable “other” monomers (b) are described in col. 12, lines 29 to col. 12, line 19 of Satoh. This list comprises 19 different classes of monomers and a plethora of different compound. There is no teaching with regard to preferred monomers.

Even assuming arguendo that certain monomers could be pieced together from the reference’s description, the pieces do not fit together to obtain the claimed invention, i.e., maleic acid (col. 12, line 55) is not a polymeric anionic dispersant (= component D) of the claimed invention) but a monomeric unsaturated carboxylic acid (=component e) of the claimed invention).

Further, the crosslinking agent disclosed in col. 25, line 43 of Satoh et al. does not belong to the description dealing with the adhesion improvement agent (C), but the curing agent (4) that is an optional component of the curable fluorine-containing surface treatment agents according to Satoh (see col. 24, 1.21-26). In other words, Satoh does also not describe that the adhesion improvement agent (C) comprises a crosslinking monomer.

Therefore, the rejections should be withdrawn.

**Rejections under 35 U.S.C. § 103**

The rejections of claims 1 and 9-12 under 35 U.S.C. § 103(a) as obvious over U.S. Pre-grant Publication 2005/0175572 (Nguyen-Kim et al.); claims 1, 3 and 7 as obvious over U.S. Pre-grant Publication 2005/0175572 (Nguyen-Kim et al.); and claim 15 as obvious over Nguyen-Kim et al., further in view of U.S. Patent 5,225,478 (Beckerle et al.) are traversed.

Applicants submit that the present application and U.S. Pre-grant Publication 2005/0175572 were subject to an obligation of assignment to the same person/entity (BASF SE, formerly BASF Aktiengesellschaft) at the time the inventions were made, as shown by their recorded assignment records. Therefore, the publication is disqualified under 35 U.S.C. §103(c) as a prior art reference, and the rejections should be withdrawn.

In view of the above, consideration and allowance are respectfully solicited.

In the event the Examiner believes an interview might serve in any way to advance the prosecution of this application, the undersigned is available at the telephone number noted below.

The Office is authorized to charge any necessary fees to Deposit Account No. 03-2775.

A two-month extension of time fee is due with this response. The Commissioner is hereby authorized in this, concurrent, and further replies, to charge payment or credit any overpayment to Deposit Account No. 03-2775, under Order No. 13111-00029-US from which the undersigned is authorized to draw.

Dated: June 15, 2009

Respectfully submitted,

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